

COPY

RECEIVED
FEB 13 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS
BEFORE THE
ILLINOIS COMMERCE COMMISSION

COUNTY OF DuPAGE

Petitioner

VS

UNION PACIFIC RAILROAD COMPANY;
ILLINOIS DEPARTMENT OF TRANSPORTATION;
VILLAGE OF WINFIELD;
TOWNSHIP OF MILTON;
TOWNSHIP OF WINFIELD; AND THE
CITY OF WHEATON

Respondents,

Petition for the construction of a new grade separation to replace the
At-grade crossing (AARDOT # 174-962U) of the Union Pacific Railroad
Company and County Highway 43, County Farm Road in Wheaton,
DuPage County, Illinois

T00-0038

AMENDMENT TO PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

The petitioner, COUNTY OF DuPAGE, respectfully represents to the Commission the following:

1. The Illinois Commerce Commission has previously issued Order T00-0038 that authorized reimbursement of up to \$3,020,000 for road and bridge construction and \$1,980,000 for track and signal work, for a total initial fund expenditure of \$5,000,000.
2. The order also stated that it was the intent of the Commission to enter a further order to fund up to an additional \$4,000,000 upon written request from the Petitioner provided the Petitioner could show need for the additional funding.
3. A copy of Resolution DT-0004-01 approved by the DuPage County Board on February 13, 2002 that awarded a contract to the Joint Venture of Harry W. Kuhn, Inc. and Lorig Construction Company for a low Bid amount of \$14,439,616.69 is attached hereto as Exhibit "A" to demonstrate the need for the additional \$4,000,000 in funding from the Commission.

DOCKETED

WHEREFORE, Petitioner prays that the Illinois Commerce Commission hold a hearing to the extent and by the method as may be necessary and proper and amend Order T00-0038 to provide the additional \$4,000,000 in funding to the Petitioner.

The Petitioner further specifically requests that all necessary steps be taken by the Illinois Commerce Commission to expedite, accelerate and advance on its docket for immediate consideration the matter of this amended petition.

Respectfully submitted,

THE COUNTY OF DUPAGE, ILLINOIS

By: Charles F. Tokarski
Charles Tokarski
County Engineer

PROOF OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF DuPAGE)

I, Anita Penn, on oath state that on behalf of the Petitioner I served the foregoing Petition upon the respondents made parties to this proceeding, by enclosing copies of the Petition in envelopes plainly addressed to the following parties, with postage full prepaid, and depositing the envelopes in the United States Post Office at Winfield or Wheaton, Illinois on February 11, 2002.

Mr. James L. Easterly, Director
Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Il 62764

Union Pacific Railroad Company
C T Corporation System
208 South LaSalle Street
Chicago, Il 60604

Union Pacific Railroad Company
Mr. Mack H. Schumate, Jr.
1010 North Wacker Drive, Suite 1920
Chicago, Il 60606

Union Pacific Railroad Company
Mr. Dave McKernan
210 North 13th Street, Room 1612
St. Louis, MO 63103-2388

Mr. John D. Kirschbaum
Village President
Village of Winfield
27W465 Jewell Road
Winfield, Il 60190-1934

Ms. Jeni S. Ozark
Village Clerk
Village of Winfield
27W465 Jewell Road
Winfield, Il 60190-1934

Mr. Michael Dutton
Highway Commissioner
Milton Township
350 Elm Street
Glen Ellyn, Il 60137

Ms. A. Arlene Demotte, Clerk
Milton Township
1492 N. Main St.
Wheaton, Il 60187

Mr. Chris Heidorn
Milton Township
1492 N. Main St.
Wheaton, Il 60187

Mr. Joseph V. Jedlovic, Jr.
Highway Commissioner
Winfield Township
2S283 Lost Meadows Lane
Warrenville, Il 60555

Ms. Dona L. Smith, Clerk
Winfield Township
1012 Allen Avenue
West Chicago, Il 60185

Mr. Gerald B. Girardot
Winfield Township Supervisor
130 Arbor Avenue
West Chicago, Il 60185

Mr. C. James Carr, Mayor
City of Wheaton
303 W. Wesley Street
Wheaton, Il 60187-5027

Ms. Emily M. Consolazio, Clerk
City of Wheaton
303 W. Wesley Street
Wheaton, Il 60187-5027

Respectfully,

DuPage County Division of Transportation

By: 

R E S O L U T I O N

DT-0004-01

AWARDING RESOLUTION
CH43/COUNTY FARM ROAD - SECTION 94-00179-05-GS
GRADE SEPARATION/UNDERPASS

WHEREAS, the County of DuPage is authorized and empowered to construct, repair and improve County and/or township roads, bridges and appurtenances; and

WHEREAS, the County of DuPage has published a contract for Section 94-00179-05-GS setting forth the terms, conditions and specifications (a copy of which is incorporated herein by reference); and

WHEREAS, the Engineer's Estimate for the project was \$15,583,597.02; and

WHEREAS, the budget for the fiscal year 2001 provides for the construction, and repair of roads and bridges; and

WHEREAS, the following bids were received in compliance with the contract proposal:

<u>NAME</u>	<u>BID AMOUNT</u>
Harry W. Kuhn, Inc. and Lorig Construction Company, A Joint Venture	\$14,439,616.69
Plote Inc./ Herlihy Mid-Continent Co., A Joint Venture	\$14,511,007.32
James Cape & Sons Company	\$14,633,168.01
A & L Inc.	\$14,707,008.40
All Concrete Construction, Inc. & Callaghan Paving, Inc., A Joint Venture	\$15,396,000.00
IHC Group, Inc.	\$15,691,238.90
Kiewit Western Co.	\$15,771,000.00

; and

WHEREAS, it has been determined that it is in the best interest of the County of DuPage to award a contract to Harry W. Kuhn, Inc. and Lorig Construction Company, A Joint Venture, for their bid of \$14,439,616.69.

NOW, THEREFORE, BE IT RESOLVED that the contract in accordance with the terms, conditions and specifications set forth in the said contract proposal be and is hereby awarded to Harry W. Kuhn, Inc. and Lorig Construction Company, A Joint Venture, for their bid of \$14,439,616.69.

BE IT FURTHER RESOLVED that the monies be encumbered and set aside for the payment of said contract as follows:

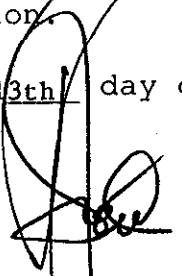
<u>FISCAL YEAR</u>	<u>FUND</u>	<u>AMOUNT</u>
2001	30-203 MFT	\$8,105,000.00
2001	40-225 IF (2035)	95,000.00
2001	41-226 LGT	2,300,000.00
2002	30-203 MFT	2,000,000.00
2002	41-226 LGT	1,939,616.69
	Total	<u>\$14,439,616.69</u>

; and

BE IT FURTHER RESOLVED that the Chairman and Clerk of the County Board are hereby authorized and directed to execute said contract with Harry W. Kuhn, Inc. and Lorig Construction Company, A Joint Venture; and

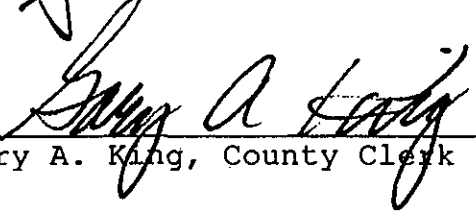
BE IT FURTHER RESOLVED that the Chairman and Clerk transmit a copy of this Resolution to the Auditor, Treasurer, Finance Department, State's Attorney's Office Attn: Anna Harkins; and County Division of Transportation.

Enacted and approved this 13th day of February, 2001, at Wheaton, Illinois.


Robert J. Schillerstrom, Chairman
DuPage County Board

Ayes: 20
Absent: 4

ATTEST:


Gary A. King, County Clerk